

14.     **2007SP-080U-13**  
Montgomery Downs  
Map 136-00, Parcels 071, 113  
Map 136-14, Parcels 167, 168, 169  
Subarea 13 (2003)  
Council District 29 -Vivian Wilhoite

A request to change from R20 to SP zoning properties located at 2801 and 2803 Smith Springs Road and Starboard Drive (unnumbered), approximately 320 feet west of New Smith Springs Road (15.43 acres), to permit the development of 138 townhomes, requested by Anderson, Delk, Epps & Associates, applicant, for James and Russell Jones and Melvin Jones et ux, owners.

**STAFF RECOMMENDATION: Disapprove.**

#### **APPLICANT REQUEST - Preliminary SP**

A request to change from One and Two-Family Residential (R20) to Specific Plan (SP) zoning, properties located at 2801 and 2803 Smith Springs Road and Starboard Drive (unnumbered), approximately 320 feet west of New Smith Springs Road (15.43 acres), to permit the development of 138 townhomes.

#### **Existing Zoning**

R20 District -R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

#### **Proposed Zoning**

SP District -Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

#### **ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

**Consistent with Policy?** -The density proposed by this SP is approximately 9 dwelling units per acre and although at the high end, is within the RM density range.

#### **PLAN DETAILS**

Site Plan - The plan calls for 138 attached units in the following configurations:

- 7- 3 bedroom attached units with surface parking
- 71 – 2 bedroom attached units with surface parking
- 30 – 2 bedroom attached units with 1-car garage
- 10 – 3 bedroom attached units with 1-car garage
- 17- 2 bedroom duplex units with 2-car garage

3 – 3 bedroom duplex units with 2-car garage

The development contains an internal “loop” private driveway with units arranged around it. There is a central park area. Detention and water quality facilities are in 5 locations around the perimeter of the site.

The site plan proposes a majority of front-loaded or front parked attached housing types, while a wider variety of housing types would be desirable. Furthermore, the design does not create a strong streetscape, segregates the development from the surrounding neighborhood, and would create an isolated single use element within the community. Given that the site is in such close proximity to single-family residential neighborhoods, it would be preferable to provide a mix of housing types, especially with smaller lot detached housing adjacent to the existing neighborhood and transitioning to attached housing closer to Smith Springs Road.

**Access** -There are two street connections available: Starboard Drive and Harbor View Drive. This project does not take advantage of either of the available connections and all traffic will enter and exit in one location. The single access to this project is proposed to be a gated entrance on Smith Springs Road. This development pattern does not provide drivers with alternative paths to complete their trips, which concentrates traffic on the arterials. This situation reduces capacity and requires widening of the arterials to alleviate congestion.

**Staff Recommendation** -Disapprove. This proposal will block two street connections that have been planned and designed in previously approved projects to connect to this property. This proposal also would create a development pattern that is inconsistent with the adjacent established community.

**RECENT REZONINGS** -None.

**PUBLIC WORKS RECOMMENDATION** -Following are review comments for the submitted SP: Montgomery Downs specific plan (2007SP-080U-13), received April 19, 2007. Public Works' comments are as follows:

The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Construct the site access drive at Smith Springs Road with two exiting lanes (LT and RT) each with 50ft of storage and transitions per AASHTO/MUTCD standards.

Construct a 3 lane cross section with center two-way left turn lane on Smith Springs Road from the project access extending east to the existing left turn lane onto Old Smith Springs Road. Construct all transitions per AASHTO/MUTCD standards.

**Maximum Uses in Existing Zoning District: R20**

| Land Use (ITE Code)         | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single-family detached(210) | 15.43 | 1.85    | 28                   | 268                   | 21           | 29           |

**Maximum Uses in Proposed Zoning District: SP**

| Land Use (ITE Code)                | Acres | Density | Total Number of Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------------|-------|---------|-----------------------|-----------------------|--------------|--------------|
| Residential Condo/ Townhouse (230) | 15.43 | 9       | 138                   | 845                   | 67           | 79           |

**Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District**

| Land Use<br>(ITE Code) | Acres | -- | -- | Daily Trips<br>(weekday) | AM Peak<br>Hour | PM Peak<br>Hour |
|------------------------|-------|----|----|--------------------------|-----------------|-----------------|
| --                     |       |    |    | 577                      | 46              | 50              |

**METRO SCHOOL BOARD REPORT**

**Projected student generation     12 Elementary     8 Middle     6 High**

**Schools Over/Under Capacity**-Students would attend Lakeview Elementary School, Kennedy Middle School, or Antioch High School. Kennedy Middle School and Antioch High School have been identified as being over capacity. There is capacity available at another middle school within the cluster and capacity at a high school in an adjacent cluster. This information is based upon data from the school board last updated August 2006.

**STORMWATER RECOMMENDATION** -Preliminary SP Approved.

**CONDITIONS**

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. All Public Works and Stormwater conditions shall be addressed and a revised copy of the preliminary SP shall be submitted to the Planning Commission within 30 days of the Planning Commission' action.
4. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
6. Subsequent to enactment of this Specific Plan district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owner's signatures, to the Planning Commission staff for review.
7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet

diameter.

8. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Ms. Withers presented and stated that staff is recommending disapproval.

Councilmember Wilhoite spoke in favor of the proposal. She stated that there have been community meetings in which the developer addressed many of the concerns expressed by her constituents. She explained the support, as well as many enhancements this proposal would offer and requested its approval.

Mr. McLean agreed that the proposal would be an enhancement for the community. He mentioned the issue of connectivity, however stated he was in favor of approval.

Ms. Nielson spoke to the importance of connectivity within the proposal.

Ms. Jones spoke on the issue of connectivity and its uses throughout the county.

Mr. Loring spoke in favor of approving the proposal. He stated that Councilmember Wilhoite would address any issues prior to its approval.

Mr. Loring moved and Mr. McLean seconded the motion to approve 2007SP-080U-13.

Mr. Clifton spoke of the importance of connectivity for this proposal as well as the entire county.

The motion to approve this zone change failed.

Ms. Jones suggested the proposal include a condition to include connectivity if it were approved.

Ms. Beehan moved and Mr. Clifton seconded the motion to disapprove Zone Change 2007SP-080U-13.

**(7-1) No Vote – Loring**

**Resolution No. RS2007-156**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2007SP-080U-13 is **DISAPPROVED. (7-1)**

**While the proposed density of 4 units per acre is within the density range called for in the Antioch/Priest Lake Community Plan’s Residential Medium policy, which calls for residential development with a density between 4 and 9 units per acre, the plan does not provide for any street connections which are called for in the Community Plan.”**